

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,  
v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L.  
Madoff,

Plaintiff,  
v.

BAM L.P., MICHAEL MANN, and MERYL  
MANN,

Defendants.

Adv. Pro. No. 10-04390 (SMB)

No. 19 Civ. 00812 (UA)

**DECLARATION OF NICHOLAS J. CREMONA IN SUPPORT OF MEMORANDUM  
OF LAW IN OPPOSITION TO THE MOTION FOR LEAVE TO APPEAL PURSUANT  
TO 28 U.S.C. §158(a) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 8004**

Pursuant to 28 U.S.C. § 1746, NICHOLAS J. CREMONA hereby declares as follows:

1. I am a partner at Baker & Hostetler LLP, counsel for Irving H. Picard, Plaintiff in the above-captioned avoidance actions, and I submit this declaration in support of the Trustee's

Memorandum Of Law In Opposition To The Motion For Leave To Appeal Pursuant To 28 U.S.C. §158(a) and Federal Rule Of Bankruptcy Procedure 8004, filed by defendants (the “Defendants”).

2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the Hearing re 10-04390-SMB Pre-Trial Conference, *Picard v. BAM L.P.*, Adv. Pro. No. 10-04390 (SMB) (Bankr. S.D.N.Y. Sept. 26, 2018), ECF No. 110.

3. Attached hereto as Exhibit 2 is a true and correct copy of the transcript of the first Hearing re 10-04390-SMB Motion for (A) Expedited Determination Of Motion For A Stay Of Trial Pursuant To Rule 5011(C) Pending Ruling By The District Court On Defendants’ Motion To Withdraw The Reference And (B) Granting A Stay, *Picard v. BAM L.P.*, Adv. Pro. No. 10-04390 (SMB) (Bankr. S.D.N.Y. Nov. 28, 2018), ECF No. 130.

4. Attached hereto as Exhibit 3 is a true and correct copy of the transcript of the second Hearing re 10-04390-SMB Motion for (A) Expedited Determination Of Motion For A Stay Of Trial Pursuant To Rule 5011(C) Pending Ruling By The District Court On Defendants’ Motion To Withdraw The Reference And (B) Granting A Stay, *Picard v. BAM L.P.*, Adv. Pro. No. 10-04390 (SMB) (Bankr. S.D.N.Y. Dec. 19, 2018), ECF No. 147.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 8, 2019  
New York, New York

/s/ Nicholas J. Cremona  
Nicholas J. Cremona